

ESTTA Tracking number: **ESTTA160825**

Filing date: **09/05/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Belmont Brands Limited
Granted to Date of previous extension	09/05/2007
Address	1st FloorOliaji Trade Centre Victoria, SEYCHELLES
Attorney information	Kathleen A. Costigan HEDMAN & COSTIGAN, P.C. 1185 Avenue of the Americas New York, NY 10036 UNITED STATES IPDOCKET@hgcpatent.com Phone:212-302-8989

Applicant Information

Application No	78971291	Publication date	05/08/2007
Opposition Filing Date	09/05/2007	Opposition Period Ends	09/05/2007
Applicant	CAW COWIE, INC. 568 BROADWAY SUITE 705 NEW YORK, NY 10012 UNITED STATES		

Goods/Services Affected by Opposition

Class 014. All goods and services in the class are opposed, namely: CLOCKS; DECORATIVE BOXES MADE OF PRECIOUS METAL; JEWELRY BOXES OF PRECIOUS METAL; WATCH BOXES; CANDLE HOLDERS OF PRECIOUS METAL; ASHTRAYS OF PRECIOUS METAL; COFFEE POTS OF PRECIOUS METAL; TEA POTS OF PRECIOUS METAL; PICTURE FRAMES OF PRECIOUS METAL; JEWELRY; CIGARETTE LIGHTERS OF PRECIOUS METAL; NAPKIN RINGS OF PRECIOUS METAL; SERVING TRAYS OF PRECIOUS METAL; TRAYS OF PRECIOUS METAL
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Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)
Other	Opposer will be injured and damaged by the registration of the mark shown in the Application, because such mark, when applied to the goods of Applicant: is likely to cause confusion, or to

	cause mistake, or to deceive (Trademark Act Section 2(d), 15 USC & Section 1052(d).
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Marks Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	DSQUARED2 D2		
Goods/Services	jewelry; precious gemstones; horological and chronmetric instruments, namely chronometers, watches, wrist watches, wall clocks, automobile clocks; cases for clocks and watches		

U.S. Registration No.	2884711	Application Date	12/20/2001
Registration Date	09/14/2004	Foreign Priority Date	NONE
Word Mark	D2DSQUARED2		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1997/00/00 First Use In Commerce: 1998/00/00 Ordinary spectacles; sunglasses; spectacle lenses; spectacle cases; spectacle frames; contact lenses; and containers for contact lenses</p> <p>Class 014. First use: First Use: 1997/00/00 First Use In Commerce: 1998/00/00 Jewelry; precious gemstones; horological and chronmetric instruments, namely chronometers, watches, wrist watches, wall clocks, automobile clocks; cases for clocks and watches</p> <p>Class 018. First use: First Use: 1997/00/00 First Use In Commerce: 1998/00/00 Traveling bags, umbrellas, parasols, walking sticks, hand bags, luggage, shoulder bags, beach bags, credit cards cases, document cases, keycases and wallets</p> <p>Class 025. First use: First Use: 1997/00/00 First Use In Commerce: 1998/00/00 Clothing and leather clothes, namely, shirts, blouses, skirts, tailleurs, jackets, trousers, shorts, vests, T-shirts, pajamas, socks, stockings, tank tops, corsets, garter-belts, underpants, panties, bras, petticoats, foulards, ties, raincoats, overcoats, coats, swimwear, track suits, wind-resistant jackets, ski-pants, belts, furs, scarves, gloves, dressing gown, housecoats, footwear and headwear</p>		

Attachments	1011-x-946 opposition090507.pdf (9 pages)(456794 bytes) 76351966#TMSN.jpeg (1 page)(bytes)
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Signature	/Kathleen A. Costigan/
Name	Kathleen A. Costigan
Date	09/05/2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Serial No.: 78/971,291
Filed: September 11, 2006
For the Mark: CC SQUARED BY COLIN COWIE and design
Published in the Official Gazette on May 8, 2007

BELMONT BRANDS LIMITED

Opposer,

v.

Opposition No. _____

CAW COWIE, INC. d/b/a
COLIN COWIE LIFESTYLE

Applicant.

NOTICE OF OPPOSITION

Opposer, BELMONT BRANDS LIMITED, ("Opposer") pursuant to 15 U.S.C. §§1063 and 1068, and 37 CFR §2.101, hereby files its Notice of Opposition to U.S. Trademark Application Serial No. 78/971,291 ("the Application") filed by CAW COWIE, INC. d/b/a COLIN COWIE LIFESTYLE, ("Applicant"). Opposer believes that it will be damaged by registration of the above-identified application, and hereby opposes same.

In support thereof, Opposer states as follows:

1. Opposer, is a Limited Liability Company organized and existing under the laws of the Republic of Seychelles, with offices located at Oliaji Trade Centre, First Floor, Victoria – Mahe, Republic of Seychelles .
2. On Information and belief, Applicant is a corporation organized and existing under the laws of California, with offices at 80 Fifth Avenue, Suite 1004, New York, NY 10011.
3. Opposer has standing to oppose the published application based on its rights in its trademark DSQUARED2 D2 and design . Since at least as early as 1998, Opposer has continuously used in interstate commerce marks consisting solely or in part of the mark DSQUARED2 D2 and design, as its trademark in its business of manufacturing, marketing and selling a wide variety of goods, including, jewelry; precious gemstones; horological and chronmetric instruments, namely chronometers, watches, wrist watches, wall clocks, automobile clocks; cases for clocks and watches in International Class 14.
4. Opposer is owner of United States Trademark Registration No . 2,884,711 for its trademark, DSQUARED2 D2 and design, for use on jewelry; precious gemstones; horological and chronmetric instruments, namely chronometers, watches, wrist watches, wall clocks, automobile clocks; cases for clocks and watches in International Class 14 and for a variety of goods in classes 9, 18

and 25. The trademark was filed on December 20, 2001 and registered on September 14, 2004. A copy of the registration is attached as Opposer's Exhibit A.

5. On information and belief, Applicant, is the owner of United States Trademark Application Serial No. 78/971,291 for CC SQUARED BY COLIN COWIE for use on DECORATIVE BOXES MADE OF PRECIOUS METAL; JEWELRY BOXES OF PRECIOUS METAL; WATCH BOXES; CANDLE HOLDERS OF PRECIOUS METAL; ASHTRAYS OF PRECIOUS METAL; COFFEE POTS OF PRECIOUS METAL; TEA POTS OF PRECIOUS METAL; PICTURE FRAMES OF PRECIOUS METAL; JEWELRY; CIGARETTE LIGHTERS OF PRECIOUS METAL; NAPKIN RINGS OF PRECIOUS METAL; SERVING TRAYS OF PRECIOUS METAL; TRAYS OF PRECIOUS METAL in International Class 014. The Application was filed on September 11, 2006 under Section 1(b). The Application was published in the United States Patent and Trademark Office Official Gazette on May 8, 2007.

6. Opposer has promoted and sold its goods in interstate and intrastate commerce, and around the world, under its mark since at least as early as 1998 and long prior to any alleged use by Applicant of the mark shown in the Application.

7. As a result of the use, promotion, and advertising of Opposer's mark, said mark has become well known to the trade and to the public, and has accordingly acquired significant goodwill. Opposer's trademark

identifies and distinguishes Opposer's goods from the goods of others, and identifies the source and origin thereof to both the trade and the public.

8. Prior to Applicant's use of its mark in connection with the listed goods, if any, Opposer's mark has been used and promoted in such a way as to create a public perception of the DSQUARED2 D2 and design mark as an indication of source of goods in the industry. Opposer's mark continues to be used and promoted in such a way.

9. Upon information and belief, Applicant has made no use of the mark shown in the Application, nor of any word, letter or design confusingly similar thereto, as a trademark or service mark, prior to the date of first use of the mark of Opposer. Applicant's registration and use of its mark will cause dilution of the Opposer's mark.

10. Applicant's registration and use of the mark shown in the Application is likely to cause confusion in the minds of the trade and of the public that Applicant's goods emanate from or are licensed, sponsored or otherwise authorized by Opposer, whereas in fact they are not.

11. The mark shown in the Application so resembles Opposer's mark previously used in the United States by Opposer and not abandoned, as to be likely, when applied to Applicant's goods, to cause confusion or to cause mistake or to deceive, and is an attempt to deceive the public and to benefit from the reputation and goodwill developed by Opposer.

12. Opposer will be injured and damaged by the registration of the mark shown in the Application, because such mark, when applied to the goods of Applicant:

- a) is likely to cause confusion, or to cause mistake, or to deceive;
- b) falsely suggests a connection with Opposer; and
- c) will damage Opposer's valuable good will in its trademark.

13. By reason of the foregoing, Applicant is not entitled to the registration of the mark shown in the Application.

REQUEST FOR RELIEF

Wherefore, Opposer requests that the Opposition be sustained and that registration of the mark shown in the Application be refused as to the goods identified in International Class 14.

Opposer authorizes the Commissioner for Trademarks to charge the fee of \$300 to Deposit Account 08 -1540 for filing this Notice of Opposition. Opposer believes that no additional fees are now due; however, the Commissioner for Trademarks is authorized to debit Deposit Account 08 -1540 for any additional fees

which may be due.

Respectfully submitted,

/Kathleen A. Costigan/

Date: September 5, 2007

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BELMONT BRANDS LIMITED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Serial No.: 78/971,291
Filed: September 11, 2006
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BELMONT BRANDS LIMITED

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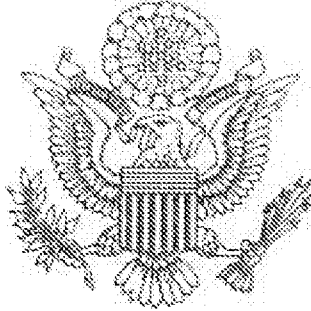
Opposition No. _____

CAW COWIE, INC. d/b/a
COLIN COWIE LIFESTYLE

Applicant.

OPPOSER'S EXHIBIT A

The United States of America



CERTIFICATE OF REGISTRATION PRINCIPAL REGISTER

The Mark shown in this certificate has been registered in the United States Patent and Trademark Office to the named registrant.

The records of the United States Patent and Trademark Office show that an application for registration of the Mark shown in this Certificate was filed in the Office; that the application was examined and determined to be in compliance with the requirements of the law and with the regulations prescribed by the Director of the United States Patent and Trademark Office; and that the Applicant is entitled to registration of the Mark under the Trademark Act of 1946, as Amended.

A copy of the Mark and pertinent data from the application are part of this certificate.

To avoid CANCELLATION of the registration, the owner of the registration must submit a declaration of continued use or excusable non-use between the fifth and sixth years after the registration date. (See next page for more information.) Assuming such a declaration is properly filed, the registration will remain in force for ten (10) years, unless terminated by an order of the Commissioner for Trademarks or a federal court. (See next page for information on maintenance requirements for successive ten-year periods.)



Jon W. I. Dudas

Director of the United States Patent and Trademark Office

Int. Cls.: 9, 14, 18, and 25

Prior U.S. Cls.: 1, 2, 3, 21, 22, 23, 26, 27, 28, 36, 38, 39,
41, and 50

United States Patent and Trademark Office

Reg. No. 2,884,711

Registered Sep. 14, 2004

**TRADEMARK
PRINCIPAL REGISTER**

DSQUARED² D²

BELMONT BRANDS LIMITED (SEYCHELLES
LIMITED LIABILITY COMPANY)
1ST FLOOR, OLIAJI TRADE CENTRE
VICTORIA, MAHE, SEYCHELLES

FOR: ORDINARY SPECTACLES; SUNGLASSES;
SPECTACLE LENSES; SPECTACLE CASES; SPEC-
TACLE FRAMES; CONTACT LENSES; AND CON-
TAINERS FOR CONTACT LENSES, IN CLASS 9 (U.S.
CLS. 21, 23, 26, 36 AND 38).

FIRST USE 0-0-1997; IN COMMERCE 0-0-1998.

FOR: JEWELRY; PRECIOUS GEMSTONES; HOR-
OLOGICAL AND CHRONOMETRIC INSTRUMENTS,
NAMELY CHRONOMETERS, WATCHES, WRIST
WATCHES, WALL CLOCKS, AUTOMOBILE
CLOCKS; CASES FOR CLOCKS AND WATCHES,
IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 0-0-1997; IN COMMERCE 0-0-1998.

FOR: TRAVELING BAGS, UMBRELLAS, PARA-
SOLS, WALKING STICKS, HAND BAGS, LUG-
GAGE, SHOULDER BAGS, BEACH BAGS, CREDIT

CARDS CASES, DOCUMENT CASES, KEYCASES
AND WALLETS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22
AND 41).

FIRST USE 0-0-1997; IN COMMERCE 0-0-1998.

FOR: CLOTHING AND LEATHER CLOTHES,
NAMELY, SHIRTS, BLOUSES, SKIRTS, TAIL-
LEURS, JACKETS, TROUSERS, SHORTS, VESTS, T-
SHIRTS, PAJAMAS, SOCKS, STOCKINGS, TANK
TOPS, CORSETS, GARTER-BELTS, UNDERPANTS,
PANTIES, BRAS, PETTICOATS, FOULARDS, TIES,
RAINCOATS, OVERCOATS, COATS, SWIMWEAR,
TRACK SUITS, WIND-RESISTANT JACKETS, SKI-
PANTS, BELTS, FURS, SCARVES, GLOVES, DRES-
SING GOWN, HOUSECOATS, FOOTWEAR AND
HEADWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 0-0-1997; IN COMMERCE 0-0-1998.

SN 76-351,966, FILED 12-20-2001.

CHRISIE B. KING, EXAMINING ATTORNEY